

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF ALASKA**

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 TAGALOA TANUVASA,

8 Defendant.

Case No. 3:16-cr-00099-TMB-KFR

9
10 **FINAL REPORT AND RECOMMENDATION UPON AN ADMISSION**

11 Upon Defendant's request to enter admissions, pursuant to Federal Rule of
12 Criminal Procedure 32.1 and 18 U.S.C. § 3583, to Allegations One through Four of the
13 Petition, [Doc. 113], charging the following violations:

- 14 1. Allegation One: Use of controlled substances on or about August 4, 2022;
15 2. Allegation Two: Use of controlled substances on or about August 7, 2022;
16 3. Allegation Three: Use of controlled substances on or about August 12, 2022;
17 and

18 4. Allegation Four: Use of controlled substances on or about August 30, 2022,
19 this matter came before the Magistrate Judge, with the verbal consents of Defendant,
20 counsel for Defendant, and counsel for the United States.

21 The matter came before this Court for a hearing on Defendant's admission, in
22 open court and on the record.

23 In consideration of that hearing and the colloquy made by Defendant under
24 oath, on the record, in the presence of counsel, and the remarks of the Assistant
25 United States Attorney,

26 **A. I make the following FINDINGS – that Defendant understands:**

- 27 ☒ That any false statements made by Defendant under oath may later be
28 used against him in a prosecution for perjury;

- 1 ☒ The right to deny the allegations;
- 2 ☒ The nature of the allegations against Defendant;
- 3 ☒ The maximum possible sentence, including imprisonment, any
- 4 mandatory sentence of imprisonment, that supervision may follow a
- 5 term of imprisonment, and the applicable sentencing guideline range;
- 6 ☒ The right to a revocation hearing;
- 7 ☒ The right to be represented by counsel and, if necessary, to have the
- 8 court appoint counsel at trial, and at every other stage of the
- 9 proceedings;
- 10 ☒ The right to: confront and cross-examine adverse witnesses, to remain
- 11 silent, to testify and present evidence, and to compel the attendance of
- 12 witnesses;
- 13 ☒ That an admission operates as a waiver of hearing rights;
- 14 ☒ That Defendant knowingly, intelligently, and voluntarily waives all right
- 15 to appeal or collaterally attack (except on the grounds of ineffective
- 16 assistance of counsel and the voluntariness of his admissions); and
- 17 ☒ That in determining a sentence, the court's obligation to calculate the
- 18 applicable sentencing guideline range pursuant to the Sentencing
- 19 Guidelines promulgated by the United States Sentencing Commission
- 20 and to consider that range, as well as departures under the Sentencing
- 21 Guidelines, and variances under 18 U.S.C. § 3583(e).

22 **B. I further FIND:**

- 23 1. Defendant is competent to enter informed admissions;
- 24 2. Defendant is aware of his rights and has had the advice of legal counsel;
- 25 3. That the admissions by Defendant have been knowingly and voluntarily
- 26 made and is not the result of force, threats, or coercion;
- 27 4. There is no agreement between the parties in this open admission; and
- 28 5. That there is a factual basis for Defendant's admission.

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